

AMENDED IN ASSEMBLY SEPTEMBER 8, 2003

AMENDED IN SENATE MAY 13, 2003

**SENATE BILL**

**No. 902**

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**Introduced by Senator Chesbro-Soto**  
(Principal coauthor: Assembly Member Pavley)

February 21, 2003

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An act to add Section ~~15867~~ 21413.5 to the Government Code, relating to ~~state property~~ public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 902, as amended, ~~Chesbro Soto~~. ~~State property~~ Public employees' retirement: industrial disability.

*The Public Employees' Retirement Law provides a formula for calculating the retirement allowance for a local safety member for industrial disability. Existing law establishes this disability retirement allowance as 50% of the member's final compensation plus an annuity, purchased with the member's accumulated additional contributions, if any, or if the member is qualified for service retirement, the member's service retirement allowance, if the allowance, after deducting the annuity, is greater. Existing law limits the industrial disability allowance of local safety members whose membership commenced after January 1, 1980, as specified.*

*This bill would provide a different method for calculating the disability retirement allowance of specified local safety members. The bill would provide that these specified local safety members shall receive a disability retirement allowance that is the greater of: (a) 50% of the member's final compensation, plus an annuity purchased with accumulated contributions, if any; (b) a service retirement allowance,*

*if the member is qualified for service retirement; or (c) 3% or 2.4%, for specified members, of the member's final compensation, multiplied by the difference of one minus 0.01 for each quarter year that the member's service age is less than 50 years, multiplied by the number of years of local safety service, as specified, if the member is not qualified for service retirement.*

~~The existing Property Acquisition Law authorizes the State Public Works Board to select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lessor right or interest in any real property necessary for any state purpose of function.~~

~~Existing law authorizes the creation of conservation easements, as defined, that may be acquired and held only by tax-exempt nonprofit organizations and the state or any other state or local governmental entity authorized to acquire and hold title to real property if the conservation easement is voluntarily conveyed.~~

~~This bill would authorize the board, if it acquires real property for the purpose of protecting or benefiting the state's cultural, historical, natural, or recreational resources in conjunction with another governmental agency or a tax-exempt nonprofit corporation, to agree with the governmental agency or tax-exempt nonprofit organization to include covenants or restrictions on the use of the real property that may be enforceable by either party.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 15867 is added to the Government~~
- 2     ~~SECTION 1. Section 21413.5 is added to the Government~~
- 3     ~~Code, to read:~~
- 4     ~~21413.5. Notwithstanding Section 21413 or 21417, a local~~
- 5     ~~safety member subject to Section 21362.2 or 21363.1 who retires~~
- 6     ~~on or after January 1, 2004, for industrial disability shall receive~~
- 7     ~~a disability retirement equal to the greater of the following:~~
- 8     ~~(a) Fifty percent of his or her final compensation, plus an~~
- 9     ~~annuity purchased with his or her accumulated contributions, if~~
- 10    ~~any.~~
- 11    ~~(b) A service retirement allowance, if he or she is qualified for~~
- 12    ~~service retirement.~~

(c) Three percent, for a member subject to Section 21362.2, or 2.4 percent, for a member subject to Section 21363.1, of his or her final compensation, multiplied by the difference of one minus 0.01 for each quarter year that his or her service age is less than 50 years, multiplied by the number of years of local safety service subject to the applicable section, if he or she is not qualified for service retirement.

Code, to read:

~~15867. If the board acquires real property for the purpose of protecting or benefiting the state's cultural, historical, natural, or recreational resources in conjunction with another governmental agency or a tax-exempt nonprofit corporation that contributes consideration toward the purchase, the board, on behalf of the state agency concerned, may agree with the governmental agency or the tax-exempt nonprofit corporation to include covenants or restrictions on the use of the real property that may be enforceable by either party. The agreement shall be on terms acceptable to the state agency on whose behalf the real property interest is acquired.~~

